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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,873	11/15/2000	Jason D. Kridner	TI-29077	9315

7590

01/04/2005

Robert D. Marshall
Texas Instruments Incorporated
P. O. Box 655474, M/S 3999
Dallas, TX 75265

EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/712,873	Applicant(s) KRIDNER, JASON D.	
	Examiner Andrew L Nalven	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca et al US Patent No 5,612,682 in view of Seo et al US Patent No 5,063,597 and Nagata US Patent No. 6,114,981. DeLuca discloses method for controlling utilization of a process added to a communications device. Seo teaches a muting circuit in a digital audio system. Nagata teaches a D/A converter.
5. With regards to claims 1 and 12, DeLuca teaches a digital signal processor (DeLuca, column 4 lines 59-67) operable to provide digital data output (DeLuca, column 7 lines 34-38), determine an authorization state (DeLuca, column 6 lines 41-49), and generate a disable signal (DeLuca, column 6 lines 49-52). DeLuca fails to teach a

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digital to analog converter operable to receive the disable signal. Seo teaches a digital to analog converter (Seo, column 3 lines 32-38) coupled to a digital signal processor and operable to receive the digital data output (Seo, Figure 4 Items 41 and 40), convert the digital data to corresponding analog data (Seo, column 3 lines 32-38), output the corresponding analog data (Seo, column 3 lines 32-38, Figure 2C), mute the output of the corresponding analog data (Seo, column 3 lines 32-38), receive the disable signal (Seo, column 3 lines 32-34), and mute the output of the corresponding analog data in response to the disable signal (Seo, Figures 2B and 2C, column 3 lines 14-38). Nagata teaches a digital to analog converter including an input operable to receive the disable signal (Nagata, column 4 lines 28-49, D/A converter with mute control, Figure 3, column 1 lines 51-61). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Seo's method of muting in response to a disable signal and Nagata's placement of the disable signal with DeLuca's communication device because it offers the advantage of providing an improved muting system that limits disturbing noises that are generated during the process of turning off power to the system or by external influences (Nagata, column 1 lines 35-50).

6. With regards to claims 2, 10 and 15, DeLuca as modified teaches the authorization state either being positive or negative (DeLuca, column 6 lines 42-52) and further teaches the digital signal processor operative to generate the disable signal when the authorization state is negative (DeLuca, column 7 lines 2-7).

7. With regards to claim 3, Deluca as modified teaches the serial input for receiving timing signals to enable reception of the disable signal (Seo, column 3 lines 55-58).

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8. With regards to claims 4 and 13, DeLuca as modified teaches the output muted by filtering the received digital data prior to conversion into analog data (Seo, column 3 lines 3-31).
9. With regards to claim 5, DeLuca as modified teaches the output pin operable to transmit the disable signal as a high voltage (Seo, column 3 lines 50-51).
10. With regards to claim 6 (as best understood), DeLuca as modified teaches the output pin operable to transmit a low voltage in the absence of a disable signal (Seo, column 3 lines 50-54).
11. With regards to claims 7 and 11, DeLuca as modified teaches the authorization state is either positive or negative and the DSP is not operable to generate the disable signal when the authorization state is negative (DeLuca, column 10 lines 15-24).
12. With regards to claims 8 and 16-17, DeLuca as modified teaches the digital signal processor having at least two output pins where the first pin provides a clock signal and the second pin provides a disable signal and the state of the disable signal at the rising edges of the clock signal re read by the converter (Seo, column 2 lines 62-66, column 3 lines 14-18).
13. With regards to claims 9 and 14, DeLuca as modified teaches an analog amplifier operable to receive the disable signal after analog conversion (Seo, Figure 1).
14. With regards to claim 18, DeLuca as modified teaches the generating of a power-save signal (Seo, column 3 lines 42-44) where the disable signal is generated in response to the power-save signal (Seo, column 3 lines 50-54).

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15. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca et al US Patent No 5,612,682, Seo et al US Patent No 5,063,597, and Nagata US Patent No. 6,114,981 as applied to claim 12 above, and further in view of Lipovski US Patent No 6,675,002. DeLuca as modified fails to teach the generating of an override signal in response to a disable signal. Lipovski teaches the generating of an override signal in response to the step of generating a disable signal and terminating the muting step in response to the override signal (Lipovski, column 6 lines 33-44). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Lipovski's method of overriding a disable signal because it offers the advantage of allowing sound output in the event of an emergency (Lipovski, column 6 lines 33-36).

Conclusion

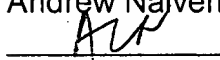
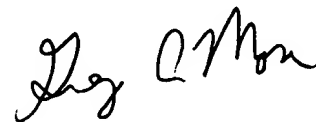
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven

A handwritten signature in dark ink, appearing to read 'AN', is written over a horizontal line.A handwritten signature in dark ink, appearing to read 'Greg Morse', is written in a cursive style.

GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100